

A brief sequence of recent events and actions by the State of Florida pertaining to the assumption are as follows:

- On March 23, 2018, the Governor signed into law Chapter 2018-88, Laws of Florida, which created Section 373.4146, F.S., to authorize DEP to assume administration of the Section 404 program to regulate the discharge of dredge or fill material into navigable waters.
- In May 2018, DEP published a notice of rule development to implement the 404 program and held three rulemaking workshops to collect public comment on the draft rule, Chapter 62-331, F.A.C. (currently titled "State 404 Program"), that has been created to implement the 404 program and to include federal regulations that are not currently covered under the ERP program.
- FDEP has been working with both EPA and the Corps to draft memorandums of agreement and assemble the required components that will constitute a complete application.
- On July 17, 2019, through electronic mail correspondence to the EPA, the DEP sought designation, pursuant to 50 C.F.R. §402.08, to serve as a non-federal representative for informal ESA Section 7 consultation to prepare the subject BA.
- On December 12, 2019, the DEP Secretary received a formal response from the EPA Region IV Administrator approving the requested designation. The letter additionally indicated that EPA elected to engage in informal consultation with the Services voluntarily.
- DEP published a notice of proposed rule on February 19, 2020. DEP's application for assumption cannot be considered complete until Chapter 62-331, F.A.C. has been adopted and the memorandums of agreement have been completed.

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On November 27, 2017, a meeting with EPA, DEP, and USFWS representatives was conducted to initiate and plan future conversations regarding the Section 404 assumption. It was determined on December 18, 2017, that DEP would be coordinating solely between EPA and USFWS, and that NMFS would be incorporated back into the discussion after more direct paths were established. A conference call with DEP and USFWS on February 8, 2018, determined the proposed ESA process flowchart. A panel discussion at the Permitting Summer School with DEP, EPA, and USFWS representatives on June 18, 2018, presented the various methods of how to provide consultation and incorporate ESA requirements under Section 404. On September 18, 2019, EPA, DEP, US Department of Interior, USFWS, and Corps members attended a presentation of Florida's proposal to use programmatic consultation for ESA purposes under the Section 404 assumptions. In an email from DEP dated November 22, 2019, to USFWS and NMFS, a review of the species was requested. A letter dated December 12, 2019, from EPA to DEP designated DEP as a non-federal representative to develop the BA.

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